

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA,  
NORTHERN DIVISION

KENITH BURDETT,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	
	)	
BANK ONE, N.A., CHARTER ONE	)	CASE NO.: 2:05-cv-499-DRB
BANK, N.A., LUANNE MIXON,	)	
KEITH MIXON, et al.,	)	
	)	
Defendants.	)	

MOTION FOR REMAND

COMES NOW the Plaintiff, KENITH BURDETT, and moves this Honorable Court for an Order remanding this matter to the Circuit Court of Barbour County, Alabama where it was originally filed. Plaintiff contends that the removal of this case was improper because no federal diversity jurisdiction or other federal jurisdiction of any kind exists on the face of the Complaint.

WHEREFORE, premises considered Plaintiff respectfully requests that this Honorable Court remand this cause to its original forum in the Circuit Court of Alabama, for further proceedings and disposition. Plaintiff prays for such other, further, and additional relief to which he may be entitled, the premises considered.

So moved, this the 7<sup>th</sup> day of June, 2005.

  
\_\_\_\_\_  
EARL P. UNDERWOOD, JR. ( UND008)  
Attorney for Plaintiff

OF COUNSEL:

Law Offices of Earl P. Underwood, Jr.  
21 South Section Street  
Post Office Box 969  
Fairhope, AL 36533-0969  
251-990-5558 (telephone)

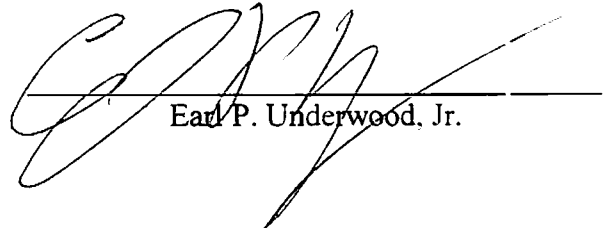
0607050CL

251-990-0626 (fax)  
epunderwood@alalaw.com

CERTIFICATE OF SERVICE

I hereby certify that on June 7<sup>th</sup>, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Leon Augustus Boyd, III	bboyd@cobb-shealy.com
Jimmy S. Calton, Jr.	caltonlaw@eufaula.rr.com, jimcalton@yahoo.com
Herman Warren Cobb	hwc@cobb-shealy.com, mhanchey@cobb-shealy.com
Helen Kathryn Downs	hkdowns@jbpp.com, aap@jbpp.com
William D. Jones, III	wjones@jbpp.com
Lee M. Pope	lmp@jbpp.com



Earl P. Underwood, Jr.